SUBJECT No. 102.

Refund of institution fee on memorandum of appeal in cases remanded to lower courts.

Mr. B. N. Raghavaiah, Shimoga Municipality.

Summary of Representation.—Often, heavy suits are summarily disposed of in lower courts without full evidence being taken. The appellate court usually remands such cases for disposal on merits and unless suit is remanded in preliminary points, no refund is allowed. The Court Fees Regulation may be so amended that the fee on the memoradum of such appeals may be refunded.

Reply of Government.—Looking at our financial position, this does not appear to be the proper time for discussion of such a concession.

SUBJECT No. 103.

Address statements may be allowed to be made on plaints, petitions and written statements.

Messrs. B. N. Raghavaiah, Shimoga Municipality; A. Ananthiah, C. Subba Rao, and P. Venkappaiah, Shimoga Taluk.

Summary of Representation.—Under existing rules, address statements of the plaintiff or defendants as the case may be, are required to be written on separate sheets of paper and not on plaints or applications. This is unnecessary. They may be made on plaints and applications themselves.

Chief Judge.—The rule is that a separate statement is necessary in the case of parties subsequently added. This will be made clear to the subordinate courts.

SUBJECT No. 104.

Reduction of printing and translation charges and also copying charges.

Mr. C. Krishnamurthi, Law Association, Bangalore.

Summary of Representation.—The printing of records in appeals before the Chief Court is now entrusted to private presses at great cost, and the execution of work is also not satisfactory. A small establishment may be separated from the Government Press and attached to the Chief Court for this work, as is done in the Madras High Court.

Reply of Government.—We will consider the suggestion.

SUBJECT No. 105.

Criminal proceedings not to be instituted against respectable persons, if they, by chance, happen to be in possession of counterfeit nickle coins.

Mr. Veerabhadrappa, Chitaldrug Taluk.

Summary of Representation.—A large number of counterfeit coins are in circulation with genuine coins and merchants come into possession of such coins by accident. The Police take advantage of the opportunity and harass respectable persons. The law in the matter may be changed and coins, if found with people, may be ordered to be cut under the rules.

The member quoted two instances of respectable people being harassed.

Reply of Government.—If you bring to the notice some instances, suitable instructions will be issued. The law cannot, however, be changed.

SUBJECT No. 106.

Penalising encumbrances made clandestinely.

Mr. Abdul Nabi Khan Sahib, Tumkur Municipality.

Summary of Representation.—People are in the habit of creating many encumbrances on one and the same estate. This can only be found out by reference to the registers of sub-registry offices involving a lot of delay, inconvenience and worry. It is therefore prayed that final measures may be taken against persons who clandestinely create more than one encumbrance on the same property.

Reply of Government.—It is not possible to comply iwth the request.